

**PROMOTOR(A) OR COMMUNITY HEALTH WORKER (CHW)  
TRAINING AND CERTIFICATION ADVISORY COMMITTEE**

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**AGENDA**

Tuesday, August 27, 2002, 11 a.m.-2:30 p.m., San Antonio, Texas  
San Antonio Convention Center, 200 East Market Street, Concourse Level, Room 215

11-11:10	Welcome and introductions	Edna Dougherty Presiding Officer
11:10-11:20	Approval of minutes	Edna Dougherty Presiding Officer
11:20-11:45	New Member Orientation	Donna Nichols, MEd, CHES Director, Public Health Promotion
11:45-Noon	Committee business: Review revised draft of Promotor(a)/CHW application for certification and promotional materials to accompany application packets for CHW.	Cecilia Berrios, M.A. Community Health Promotion Specialist
12-12:25	Administrative Rule Review—25 TAC 146.1-146.10	Office of General Counsel
12:25-1	Break/Lunch	Staff
1-1:15	Subcommittee role and responsibilities	Edna Dougherty Presiding Officer
1:15-1:30	Committee members' point of view	Elaine Hernandez, Advisory Committee Member, McAllen
1:30-1:45	New business, next meeting dates for 2002 and agenda items for next meeting	Edna Dougherty Presiding Officer
1:45-2:15	Public comment	Edna Dougherty Presiding Officer
2:15-2:30	Adjourn	

# **PROMOTOR(A) OR COMMUNITY HEALTH WORKER TRAINING AND CERTIFICATION ADVISORY COMMITTEE**

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## **MINUTES**

August 27, 2002

**Members Present:** Edna Dougherty, Maria Teresa de Llano, Oscar Muñoz, Graciela Camarena, Paul Villas, Lorenza Zuniga, Elaine Hernandez and Kevin Hunt. Mr. Hunt resigned as a member of the committee due to a change in employment.

**Members Absent:** Elizabeth Kelly.

- I. Welcome and Introductions:** Edna Dougherty welcomed the committee, TDH staff and the audience.
- II. Approval of Minutes:** Minutes of the June 25, 2002 meeting were approved as written. Graciela Camarena moved for approval and Lorenza Zuniga seconded the motion.
- III. New Member Orientation:** Donna Nichols, Director of Public Health Promotion, was informed by Mr. Kevin Hunt that he was resigning from the committee due to a change in employment. Because Mr. Hunt was the only new committee member, an orientation was not necessary.
- IV. Committee Business:** Cecilia Berrios thanked Ms. Teresa Hines, Associate Director with the Health Education Training Centers Alliance of Texas, for providing the meeting room at the San Antonio Convention Center as well as lunch. Ms. Berrios discussed the revised draft application for certification of Promotores(as) or Community Health Workers. The draft application will now be tested in the field for ease of completion and to ensure that information sought is captured by the application in order to bring on this workforce. Maria Teresa de Llano stated that it was time to give this draft a chance and allow Promotores(as) in the field to share their views on the draft application. TDH staff will develop a Field Test Guide for advisory committee members to have the application tested in their area. This packet will include the English and Spanish versions of the application. Ms. Berrios also reviewed draft handouts on the value of certification, legislative mandates, background on the advisory committee, for possible inclusion in the application packet.

- V. **Administrative Rule Review—25 TAC 146.1-146.10:** Ms. Linda Wiegman with the Office of General Council reviewed the process for rule amendments. She noted that the first step is to become familiar with the Rules Planning Tool, identify any changes in the rule along with any costs associated with the changes for those who have to comply. This is usually an internal process performed by program staff. Rule changes have to be approved by the program and the Office of General Council. Often times, proposed changes to the rules are drafted by staff. Comments are then sought from stakeholders such as the advisory committee. Thereafter, the draft is presented to the Board of Health for a vote on the proposed rule changes. If approved by the Board, the proposed rule changes are posted on the Texas Register for 30 days to allow for a formal comment period. Public comments on the revised proposed rules are reviewed by staff and a final draft of the rules is submitted for a second time to the Board of Health. If the Board approves the final draft, it is published in the Texas Register for the second time and they become effective. This process usually takes at least five months.

Ms. Wiegman reviewed the legal opinion prepared by the Office of General Counsel on possible changes to be made to 25 TAC Sections 146.1-146.10:

- Chapter name from Promotores(as) to Promotores(as) or Community Health Workers (CHWs) along with a definition for CHW.
- Consider any rule changes identified by the Promotora Program Development Committee (PPDC). Ms. Donna Nichols stated that there were no rule changes recommended by PPDC.
- Statute has an exemption that was not stated in the law which indicates that the Board of Health may adopt rules exempting Promotores(as) from mandatory training who have served three or more years and have at least 1,000 hours of experience. Currently, the rules state that a person is exempt and may receive certification if they have at least 1,000 hours of experience during any 12 consecutive months. The 12 consecutive months is not mandated. This period may be changed.
- Change to mandatory training and certification for those who receive compensation. There are references in the statute on voluntary training and certification. The word voluntary has to either be taken out or revised to accurately reflect that voluntary training and certification is for those who are not compensated. Mandatory certification will also need to include due process when certification is denied. A reference to due process needs to be added to the rules. If an application is incomplete, TDH staff would notify the applicant that the application has not been completed. If an application is complete and denied, then the applicant has due process rights. The applicant has the right to a fair hearing to decide if their application was appropriately disapproved. The fair hearing is conducted by a hearing examiner from the Office of General Counsel.
- Social Security Number cannot be required based on federal statute. Certification cannot be denied simply because a social security number was not provided. If a social security number is provided in the application, it must be kept confidential. Under the federal law, some disclosures must be made including whether the request for the social security number is voluntary or mandatory, the authority for requesting the social security number (cite the rule) and how this information will be used.

- Criminal conviction information. There is a statute that allows state agencies that license or certify individuals to obtain criminal conviction information from the Department of Public Safety (DPS). The statute states that an applicant can be denied certification for conviction of a felony or misdemeanor that directly relates to the occupation for which they are being certified. The rules need to state that a criminal conviction for certain crimes (list) is a basis for denial of certification. Because DPS charges a fee for this information, another option is to rely on the applicant to disclose this information. The Department would inform applicants that random checks are conducted to verify conviction records through DPS.
- Notary of an application can be required under the current rules.
- Term of office of advisory committee members from four to six years.
- November 2003 the committee is up for review by the Board. Consider changing this date to November 2005 or 2006.
- Composition of committee has a sentence that is not complete.

**VI. Subcommittee Role and Responsibilities:** Edna Dougherty explained that at this time the two subcommittees that will be active are Rule Review Process chaired by Graciela Camarena and Promotor(a) or Community Health Worker Application Process chaired by Lorenza Zuniga. Ms. Camarena reported that she is in the process of familiarizing herself with the responsibilities of her subcommittee and will work with staff to follow the rule change process. Ms. Lorenza Zuniga reported that she distributed the draft application via fax for review by her subcommittee, but no changes were recommended at this time.

**VII. Committee Members' point of view:** Elaine Hernandez of McAllen, Committee Member, discussed her views about border health issues and shared her experience with the work of Promotores(as). Ms. Hernandez described her involvement in a variety of bi-national issues.

**VIII. New Business, Next Meeting Dates for 2002 and Agenda Items for September Meeting:** *The next meetings for 2002 are set for:* Tuesday, September 17 in Austin; Wednesday, October 30 in Austin; and Friday, December 6 in Dallas. Dr. Paul Villas moved for approval of these meeting dates and Lorenza Zuniga seconded the motion. Possible agenda items recommended for the September 17, 2002 meeting include subcommittee reports and review of Field Test Guide.

**IX. Public Comment:** Wanda Hernandez of Chicago stated that she trains community-based doules. She was interested in how Texas is funding the training and certification program.

**X. Adjourn:** The meeting was adjourned at 2:30 p.m.

APPROVAL OF MINUTES BY PRESIDING OFFICER

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Edna Dougherty, Chair

September 26, 2002  
Date